

connection with this election, it is believed that all of the pending claims are readable on the elected species.

As stated in the PTO communication, upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species, which are written in dependent form or otherwise include all of the limitations of an allowed generic claim, as provided by 37 C.F.R. §1.141. As applicable, applicants reserve the right to timely file one or more divisional patent applications covering the non-elected subject matter.

The election is made with traverse. The pending claims cover new methods to correct interference when determining blood chemistry values. The interference can be due to interfering substances, such as hemoglobin and/or oxygen-carrying materials, which includes hemoglobin. Although several types of hemoglobin are described as interfering substances or exogenous blood substitutes, it is believed that a search of the pertinent art for hemoglobin would cover the various types of hemoglobin that are specified in the claims.

Consequently, a search relating to the methods in which hemoglobin is an interfering substance or exogenous blood substitute should encompass the several types of hemoglobin for which the method is useful. The number of hemoglobin types is not believed to be large; therefore, restriction into one species of hemoglobin is believed to unduly limit applicants' broadly applicable method.

To search a limited number of specified hemoglobin types encompassed by the practice of the claimed methods should not place an undue burden on the time and efforts of the Examiner for searching and examining the pending claims. A search of all of the hemoglobin types that are suitable for use as covered by the claims is thus respectfully requested.

AUTHORIZATION

Should any additional fees be deemed to be properly assessable in this application for the timely consideration of this response, the Commissioner is hereby authorized to charge any such additional fee(s), or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 0708-4057.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 0708-4057. **A duplicate copy of this sheet is attached.**

CONCLUSION

In the event that the Examiner is of the opinion that further discussion of the application would be helpful, the Examiner is hereby respectfully requested to telephone the applicants' undersigned representative at (212) 415-8751 and is assured

of full cooperation in an effort to advance the prosecution of the instant application and claims to allowance.

Respectfully submitted,

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Date: October 15, 2002

By:



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